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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT TACOMA

8                   BARRY R. DRAGGOO,

9                   Petitioner,

10                  v.

11                  RONALD FRAKER,

12                  Respondent.

CASE NO. C13-5054 RBL/KLS

ORDER FOR SERVICE AND  
RETURN, § 2254 PETITION

13                  The Court hereby **ORDERS** as follows:

14                  (1)       The Clerk shall arrange for service by certified mail upon Respondent and the  
15                   Attorney General for the State of Washington, copies of the petition, and all documents in  
16                   support thereof. All costs of service shall be advanced by the United States. The Clerk shall  
17                   assemble the necessary documents to effect service. In addition, the Clerk shall send Petitioner a  
18                   copy of the Order, and the General Order.

19                  (2)       Within forty-five (45) days after such service, Respondent(s) shall file and serve  
20                   an answer in accordance with Rule 5 of the Rules Governing §2254 Cases in United States  
21                   District Courts. As part of such answer, Respondent(s) should state whether Petitioner has  
22                   exhausted available state remedies, whether an evidentiary hearing is necessary, and whether  
23                   there is any issue of abuse or relay under Rule 9. Respondent(s) shall not file a dispositive

1 motion in place of an answer without first showing cause as to why an answer is inadequate.  
2 Respondent(s) shall file the answer with the Clerk of the Court and serve a copy of the answer  
3 upon petitioner.

4 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,  
5 upon receipt of the answer the Clerk will note the matter for consideration on the fourth Friday  
6 after the answer is filed, Petitioner may file and serve a response not later than on the Monday  
7 immediately preceding the Friday appointed for consideration of the matter, and Respondent  
8 may file and serve a reply brief not later than on the Thursday immediately preceding the Friday  
9 designated for consideration of the matter.

10 **DATED** this 27<sup>th</sup> day of February, 2013.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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